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UNCLAS VIENNA 002093

SIPDIS

DEPARTMENT FOR CA/OCS/ACS/EUR, EUR/AGS, I/LEI FOR KEN
PROPP

E.O. 12958: N/A

TAGS: [CJAN](#) [AU](#)

SUBJECT: AUSTRIA-U.S. EXTRADITION AND MUTUAL ASSISTANCE
PROTOCOLS: AUSTRIAN RESPONSE TO SUGGESTED CORRECTIONS

REF (A) VIENNA 1705 AND PREVIOUS (B) PROPP/PHILLIPS

EMAIL OF JUNE 3, 2005

1. Under cover of a note verbale dated June 16, 2005, the GOA has addressed the suggested changes in the German text of the Mutual Legal Assistance Protocol and agrees to the changes in Article 5(2) (an alternative German wording was later provided informally and will be communicated via septel) and Article 6 (the misprint).

2. With reference to the suggested corrections in Article 4(2)(a) and Article 5(3) the GOA does not/not believe the changes are warranted and notes that since the English text fully conforms with the text of the 2003 US-EU Agreement on Extradition and Mutual Legal Assistance, the German text should also be consistent with the German-language version of the US-EU Agreement. The note goes on to say that whereas changing Article 5(3) would not have a concrete effect on the meaning, the suggested changes in Article 4 (2)(a) may lead to certain difficulties in interpretation. The German wording of the draft is therefore deemed sufficient, also because Article 4(2) expressly refers to paragraph 1 of this Article.

3. A separate note verbale, also dated June 16, 2005, addresses the required authorization by the Austrian Cabinet and asks for a new proposal for a signing date. (Comment: Embassy has informally heard that Justice Minister Miklautsch will be on vacation as of mid July. End Comment.)
BROWN